

ERIC GRANT
United States Attorney
MATHEW W. PILE
Head of Program Litigation 1
Social Security Administration | Law & Policy
KAITLIN H. WOLF (CA STATE BAR NO. 340582)
Special Assistant United States Attorney
Program Litigation 1
Social Security Administration | Law & Policy
6401 Security Boulevard
Baltimore, MD 21235
Telephone: (410) 965-6064
Kaitlin.Wolf@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SERGEY BAYADOVSKIY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 2:24-cv-03687-SCR

STIPULATION AND [~~PROPOSED~~] ORDER
FOR AN EXTENSION OF TIME

Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's Motion for Summary Judgment be extended thirty (30) days from October 20, 2025, up to and including November 19, 2025. This is the Defendant's first request for such an extension.

At the end of the day on September 30, 2025, the appropriations that have been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true

1 for most Executive agencies, including federal defendant Social Security Administration
2 (SSA). It is not clear when funding will be restored by Congress.

3 In the absence of either a Fiscal Year 2026 appropriation or a continuing resolution to
4 continue the ongoing operations of the Social Security Administration (SSA), no further
5 financial obligations may be incurred by SSA, except for that work which, as defined by law, is
6 excepted from the limitations of Anti-Deficiency Act (ADA). See 31 U.S.C. §§ 1341–1342.

7 Effective Monday, October 20, 2025, the Social Security Administration has determined
8 that undersigned counsel and colleagues within her office may perform work on Social Security
9 cases arising under 42 U.S.C. § 405(g) during the current lapse in appropriations as excepted
10 work. However, prior to this date, undersigned counsel was not permitted to work due to the
11 funding lapse.

12 Defendant requests this extension to further consider the 1,003-page administrative
13 record in light of the three issues raised in Plaintiff’s motion. In the month immediately
14 preceding the lapse in funding, Defendant’s counsel filed five district court briefs and five
15 stipulated motions to remand. She also settled three EAJA matters. In the next 30 days, she has
16 seven district court briefs due as well as one response to a plaintiff’s objections to a report and
17 recommendation. Defendant respectfully requests additional time to allow his counsel time to
18 review the record in this case and respond appropriately to Plaintiff’s motion.

19 The parties further stipulate that the Court’s Scheduling Order shall be modified
20 accordingly.

21 Respectfully submitted,

22 Dated: October 20, 2025

/s/ Jesse S. Kaplan*

(*as authorized via e-mail on Oct. 19, 2025)

JESSE S. KAPLAN

Attorney for Plaintiff

24 Dated: October 20, 2025

ERIC GRANT

United States Attorney

MATHEW W. PILE

Head of Program Litigation 1

Social Security Administration | Law & Policy

By: s/ Kaitlin H. Wolf
KAITLIN H. WOLF
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED that Defendant shall have an extension, up to and including November 19, 2025, to respond to Plaintiff's Motion for Summary Judgment.

DATED: October 20, 2025


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE